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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,315	12/04/2003	Satoshi Okamura	B588-038	9365

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EXAMINER	
PETERSON, CHRISTOPHER K	
ART UNIT	PAPER NUMBER
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/728,315	OKAMURA, SATOSHI	
	Examiner	Art Unit	
	Christopher K. Peterson	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:

On paragraph 0016, the citation "lectronic" should be changed to "electronic".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 3, 5 - 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama (US Patent 6130994) in view of Kishimoto (US Patent 5895128).

As to claim 1, Maruyama (Fig. 1) teaches a digital image sensing apparatus (31) having an optical zoom function (1) and an electronic zoom function (Col. 3, lines 17 – 29), comprising: a zoom key (zoom ring 5) that indicates zoom magnification (Col. 3, lines 17 – 29); a control information generating unit (body CPU 35) that generates first

control information for the optical zoom function (1) and second control information for the electronic zoom function (Col. 3, lines 17 – 29) based upon the zoom magnification indicated by said zoom key (zoom ring 5) (Col. 5, lines 37 – 53). Maruyama does not teaches a controller that controls an electronic flash which can change irradiation angle at the time of a light emission and a decision unit that decides the irradiation angle of the electronic flash based upon the first control information and the second control information.

Kishimoto (Fig. 9) teaches a controller (flash CPU 11) that controls an electronic flash (144), which can change irradiation angle at the time of a light emission (Col. 9, lines 20 – 25) and a decision unit (emission controller 12) that decides the irradiation angle of the electronic flash based on object distance transmitted from the camera. (Col. 6, lines 33 – 49). Combining the optical zoom function and the electronic zoom function of Maruyama and the emission controller of Kishimoto would meet claimed limitation "a decision unit that decides the irradiation angle of the electronic flash based on the first information and the second information" because the camera zoom functions are controlled based on the object distance or focal length.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided wherein if the controller that controls an electronic flash, which can change irradiation angle at the time of a light emission and a decision unit that decides the irradiation angle of the electronic flash, based upon the first control information and the second control information as taught by Kishimoto to the

apparatus of Maruyama, so that the object can be illuminated at a desired color temperature regardless of the object distance. (Col. 16, lines 8 – 13).

As to claim 5, this claim differs from claim 1 only in that claim 1 is an apparatus claim whereas claim 5 is a method. Thus method claim 5 is analyzed as previously discussed with respect to claim 1 above.

As to claim 2, Kishimoto teaches a decision unit (emission controller 12) deciding the irradiation angle based on the object distance (Col. 6, lines 33 – 45). Maruyama teaches the first control information (optical zoom) and the second control information (digital zoom) are performed based on the object distance (or focal length) (Col. 5, lines 363 – 53). Thus combining the emission controller (12) of Kishimoto to the zoom functions of Maruyama would meet the claimed limitation "the decision unit that decides the irradiation angle based upon the second control information in a case where the first control information indicates a telephoto limit or wide-angle limit of the optical zoom, and decides the irradiation angle based upon the first control information in a case other than the telephoto limit or wide-angle limit.

As to claim 3, Maruyama teaches the apparatus according to claim 1, wherein the second control information indicates 1:1 magnification of the electronic zoom, and the second control information indicates other than 1:1 magnification (Col. 6, lines 38 – 58). The term 1:1 magnification is determined to mean no magnification. Maruyama teaches the optical zoom and the electronic zoom are performed sequentially as rotating the zoom ring (5). Sequentially is defined as to mean in consecutive manner.

Thus, the electronic zoom is not used until the optical zoom has reached its tele-end. Thus combining Maruyama and Kishimoto would meet the claimed limitations.

As to claims 6 and 7, these claims differs from claim 2 and 3 only in that claims 2 and 3 are an apparatus claims whereas claims 6 and 7 are a method. Thus method claims 6 and 7 are analyzed as previously discussed with respect to claims 2 and 3 above.

As to claim 9, Maruyama teaches a storage medium (lens CPU 14), which is readable by an information processing apparatus (31), storing a program including program codes capable of implementing the control method set forth in claim 5, said program being executable by the information processing apparatus (Col. 6, lines 38 – 58).

5. Claim 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama (US Patent 6130994) in view of Kishimoto (US Patent 5895128), and further in view of Shimizu (US Patent Pub. 2003/0063905).

As to claim 4, note the discussion of Maruyama and Kishimoto above, Maruyama and Kishimoto do not teach the irradiation angle narrows as the zoom magnification indicated by said zoom key rises. Shimizu teaches the irradiation angle narrows as the zoom magnification indicated by said zoom key (zoom switch lever 9a) rises (Para 0039). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the zoom key of Shimizu to the zoom key of Maruyama as modified by Kishimoto because the zoom key combining with

interlocking mechanism of Shimizu would provide a varying viewable field angle zoom finder device in a simple structure, compact, and low cost (Para 0006 and 0010 of Shimizu).

As to claim 8, this claim differs from claim 4 only in that claim 4 is an apparatus claim whereas claim 8 is a method. Thus method claim 8 is analyzed as previously discussed with respect to claim 4 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawasaki (US Patent 6826364) teaches zoom flash and flash photography system.

Nagai (US Patent Pub. 2001/0010561) teaches image sensing apparatus and method.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Peterson whose telephone number is 571-270-1704. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP

14 February 2007

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER